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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,733	11/15/2001	Masami Takemoto	111119	7665

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EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2615

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,733

Applicant(s)

TAKEMOTO ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,7-15,17,20-28,31 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,16,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,18,19 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments of Election/Restrictions*

1. Applicant's election with traverse of the election of Species II, Figure 4 which read on claims 1,3,4,6,9,10,16,18,19,22, 23, 27-30 and 32 in the reply filed on 4/8/05 is acknowledged. The traversal is on the ground(s) that applicants believe the election requirement causing unnecessary delay and expense to applicants and duplicative examination by the Patent Office. This is not found persuasive because the examiner made a *prima facie* showing of examining burden by pointing out the Species (Figure 3; Figure 4; Figure 5, Figure 8, Figure 10, Figure 12) are patentably distinct from each other. For examples, the methods of the steps of 1-3 of Figure 3 for showing the operation of the blur correction operation changing section suspends operation of said blur correction section in the event that the used viewfinder determination section has determined that the non-ocular viewfinder is being used are different from the methods of the steps of 1-3 of Figure 4, Figure 5, Figure 8, Figure 10 and Figure 12.

It also should be noted applicant elects the claims 9, 10, 22, 23, 27 and 28 which read on the Species Figure 10 (fourth embodiment, see applicant's specification page 38, lines 15-25 page 39, lines 1-10 and page 48, lines 13-25), but they do not read on the Species Figure 4 elected by applicant, because the Figure 4 only discloses "operating mode 1" is only for setting operable range of the blur correction lens 110 to **narrow**, and "operating mode 2" is only for setting operable range of the blur correction lens 110 to **wide**; Figure 4 never talks about using a electronic blur correction device, such as image sensor (See applicant's

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specification page 28, lines 13-24). For this reason, the claims 9, 10, 22, 23, 27 and 28 are withdrawn from further consideration.

**The requirement is still deemed proper and is therefore made Final.**

2. Claims 2, 5, 7-15, 17, 20-28, 31, 33 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species Figure 3, Figure 5, Figure 8, Figure 10 and Figure 12, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement filed on 4/8/05.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 16, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Onuki U.S. Patent 5,585,884.

Referring to claim 1, the Onuki reference discloses in Figures 1, 7A and 8, an image blur correction camera, comprising: a photographing optical system (lens 3,4, 5, see Col. 3, lines 22-35); an image-capturing element (a film plane 2) that captures a subject image through said photographing optical system; a vibration detection section (angular velocity meter 22, see Col. 3, lines 55-56) that detects camera vibration; a blur correction section (blur

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correction optical system 6, see Col. 3, lines 32-33) that corrects blur of the image captured by said image-capturing element according to detection results of said vibration detection section (See Col. 3, lines 64-67 and Col. 4, lines 1-15); an ocular viewfinder for observing the subject with one's eyes in close contact; a non-ocular viewfinder for observing the subject with one's eyes at a distance; a used viewfinder determination section that determines which of said ocular viewfinder and said non-ocular viewfinder is being used (detect sight Axis for determine is pupil approach, see Figure 7A, steps 309-310); and a blur correction operation changing section that changes operation of said blur correction device according to determination results of said used viewfinder determination section (e.g., if the camera detects non-ocular viewfinder is being used, the step of 312 for control image blue correction is skipped , see Figure 7A).

Referring to claim 16, the Onuki reference discloses all subject matter as discussed in respected with same comments to claim 1.

Referring to claim 29, the Onuki reference discloses in Figures 1, 7A and 8, a method for controlling of image blur correction, comprising: controlling image blur correction in accordance with a predetermined algorithm from a first algorithm and a second algorithm, according to camera vibration (See Figure 7, the first algorithm of blur correction is through 310-313 and the second algorithm of blur correction is through 310, 313 according the camera vibration detected by velocity meter in the step 304).

Referring to claim 30, the Onuki reference discloses comprising: controlling image blur correction in accordance with the first algorithm if an ocular viewfinder is being used, while

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controlling image blur correction in accordance with the second algorithm if the ocular viewfinder is not being used (See Figure 7, steps 309-310 and Col. 11, lines 5-19).

***Allowable Subject Matter***

5. Claims 3,4, 6, 18, 19 and 32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach or fairly suggest an image blur correction camera comprising: said blur correction operation changing section engages said blur correction section to operate, in the event that said used viewfinder determination section has determined that said non-ocular viewfinder is being used, so that a range over which the image blur correction can be carried out becomes wider than that when it is determined that said ocular viewfinder is being used; and used in combination with all of the other limitations of the claims 1, 16, 29 and 30.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Endo U.S. 6,628,898 discloses the control unit changes a vibration detection frequency band depending on whether the finder is used or the display is used.

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- b. Taguchi et al. JP. Publication 09-080532 discloses to reduce power consumption by extremely restricting shake correction when the necessity of the shake correction is not so much excepting in the midst of exposure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (On July 15, 2005, the fax number will change to 571-273-8300)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye  
Examiner  
Art Unit 2615

June 21, 2005